

UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA  
 SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA, )  
 )  
 Plaintiff, )  
 )  
 v. )

No. CR 05-00395 CRB

~~[PROPOSED]~~ ORDER EXCLUDING TIME  
 FROM JULY 27, 2005 TO SEPTEMBER 7,  
 2005 UNDER THE SPEEDY TRIAL ACT

YOUNG JOON YANG, aka Yang, )  
 WU SANG NAH, aka Kang )  
 SUNG YONG KIM, aka Nam, aka Mr. Kim, )  
 HANG JOE YOON, aka Mr. Lee, )  
 MYONG SU AHN, aka Paula Lee, )  
 NAM YOUNG LEE, )  
 FRED A. FRAZIER, )  
 TRONG DU NGUYEN, aka John )  
 AHDI M. NASHASHIBI, )  
 YOUNG JOO LEE, )  
 MIN YOUNG BANG, )  
 IN SEUNG KIM, )  
 SEYUN KIM, )  
 EUGENE YI, )  
 CHANG SOO YOUN, )  
 MO SOOK YANG, )  
 KEUN SUNG LEE, aka Kenneth, )  
 MYUNG JIN CHANG, )  
 WON SEOK YOO, )  
 JIMMY GONG YAN LEE, )  
 AESUN KIM, aka Mami, )  
 HYEON J. PARK, )  
 ANTHONY GAR LAU, )  
 MI YOUNG SIM, aka Jackie, )  
 KUM PAE YI, )  
 HAN LEE, )  
 HYE CHA KIM, aka Kelly, )  
 JIN AH KANG, )  
 YON SUK PANG, aka Nana, )  
 )  
 Defendants. )

On July 27, 2005, defendants in the above-captioned matter appeared, with counsel, before the Court for a status conference.<sup>1</sup> Assistant United States Attorney Peter B. Axelrod and Department of Justice Trial Attorney Andrew Kline appeared on behalf of the United States.

The parties agreed to a continuance of the matter to September 7, 2005, and a corresponding exclusion of time under the Speedy Trial Act ( 18 U.S.C. § 3161), to provide defense counsel with sufficient time to obtain and review additional discovery including, voluminous wire intercepts in the Korean language, the TIII pleadings, search warrant documents and reports relating to alien females in immigration proceedings.

Accordingly, the Court HEREBY ORDERS that the matter is continued to September 7, 2005, at 1:30 p.m. in the secure Courtroom on the 17<sup>th</sup> Floor for a status conference before this Court.

The Court FURTHER ORDERS that the time from July 27, 2005 to September 7, 2005 is excluded under the Speedy Trial Act, 18 U.S.C. § 3161. For the reasons set forth above, the Court finds that the failure to grant the requested exclusion would deny defense counsel reasonable time necessary for effective preparation taking into account the exercise of due diligence. Further, the Court finds the exclusion warranted on complexity grounds, under 18 U.S.C. § 3161(h)(8)(B)(ii), based on the number of defendants (29 charged), the number of calls on the wire (exceeding 22,000) and the fact that the vast majority of the calls are in the Korean language. Thus, the Court finds that the ends of justice served by granting the requested exclusion outweigh the best interest of the public and the defendant in a speedy trial and in the prompt disposition of criminal cases. The Court therefore concludes that this exclusion of time should be made under 18 U.S.C. §§ 3161(h)(8)(A), (h)(8)(B)(ii) and (h)(8)(B)(iv).

IT IS SO ORDERED.

DATED: August 09, 2005

<sup>1</sup> All of defendants, except Wu Sang NAH and [redacted] of whom had been arrested), were present at the hearing.

